THE HON'BLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No.6 of 2006

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Dated: 04-01-2006

Between:

Alluri Subhadramma

… Petitioner

a n d

Mandal Revenue Officer, Kalla, Kalla Mandal

… Respondent

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THE HON'BLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No.6 of 2006

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent vide his

proceedings Roc.No.1389/2005(A) dated 28.12.2005 ordering eviction of the petitioner as illegal and arbitrary.

2. Learned counsel for the petitioner submits that the respondent - Mandal Revenue Officer issued a show cause notice dated 12.12.2005 to the petitioner under Sub Section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') stating that petitioner was in possession of assigned lands situated in an extent of Ac.1.02 cents in S.Nos.832/2 of Kalla Village and directed to submit her explanation within fifteen days as to why she should not be evicted from the said land. As against the show cause notice, petitioner submitted explanation on 27.12.2005 stating that she has been in possession of the said land for the last thirty-five years and the said land was never assigned to any other person. The said explanation was rejected by proceedings of the respondent dated 28.12.2005 holding that one Sri Chekuri Venkatraju, s/o. Satyanarayanaraju, filed a petition stating that the land was originally assigned to him but was in occupation of the petitioner herein, and requested for restoration of the said land in accordance with the provisions of the Act and hence, the said land shall be restored to Sri Chekuri Venkatraju S/o Satyanarayanaraju, the original assignee.

3. Learned counsel for the petitioner further submits that, in fact, the impugned order does not indicate the assignment of said land in favour of Sri Chekuri Venkatraju S/o Satyanarayanaraju and without considering any of the contentions raised in the explanation submitted to the show cause notice, the final orders have been passed.

4. This Court is not inclined to express any opinion on the merits of the case for the reason that a right of appeal is available to the petitioner under Section 4(A) of the Act. Accordingly, the petitioner is permitted to file an appeal within two weeks from the date of receipt of a copy of this order making Sri Chekuri Venkatraju S/o Satyanarayanaraju as party. As the petitioner is in possession of the said land, the impugned order of the Mandal Revenue Officer dated 28.12.2005 stands stayed pending disposal of the appeal to be filed before the Revenue Divisional Officer.

5. If no appeal is filed within two weeks from the date of receipt of a copy of this order, the stay order automatically stands vacated.

On such an appeal being filed, the appellate authority may consider and dispose of the same after giving reasonable opportunity to the petitioner and the original assignee, in accordance with law.

6. The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 4, 2006

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